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In re Application of :
Carlos F. Barbas : **OFFICE OF PETITIONS**
Application No. 09/807,665 : DECISION ON PETITION
Filed: June 28, 2001 :
Atty Docket No. 8098-005-US-1 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 29, 2006, to revive the above-identified application.

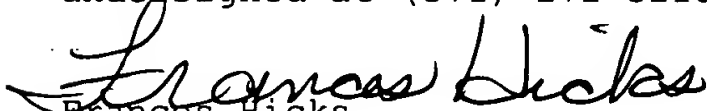
The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed December 22, 2005, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on February 23, 2006. See MPEP 1215.04.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply in the form of an appeal brief and fee of \$500; (2) the petition fee of \$1,500; and (3) a proper statement of unintentional delay. Accordingly, the failure to timely file an appeal brief within the period provided by 37 CFR 41.37(a)(1) is accepted as being unintentionally delayed.

This application is being referred to Technology Center AU 1653 for appropriate action in the normal course of business on the appeal brief filed September 29, 2006.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.


Frances Hicks
Petitions Examiner
Office of Petitions